

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Adilabad District – Issue of Local Scheduled Tribe Agency Area Certificates - Declared as not local Scheduled Tribe by the Collector & District Magistrate, Adilabad vide Proc.No.C3/5044/2010-9, dated 09.04.2012 - Appeal filed by Sri Banoth Gopal S/o.Bhikku R/o.Goriyaguda H/o.Devapur Village, Kerameri Mandal, Kumuram Bheem Asifabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 12

Dated: 03-06-2023.

Read the following:-

1. Proceedings No.C3/5044/2010-9, dated 09.04.2012 O/o. the Collector & District Magistrate, Adilabad.
2. Appeal petition filed by Sri Banoth Gopal S/o.Bhikku R/o.Goriyaguda H/o.Devapur Village, Kerameri Mandal, Kumuram Bheem Asifabad District, dated 16.8.2022.
3. Govt. Memo.No.1275/TW.LTR/2022-1, dated 01.10.2022.
4. Notice Appeal No.1275/TW.LTR/2022-2, dated 01.10.2022.
5. From the Collector, Kumuram Bheem Asifabad District, letter Rc.No.C2/1141/2019-2, dated 20.10.2022.
6. From Banoth Gopal S/o.Bhikku R/o.Goriyaguda (V) H/o.Devapur, Kerameri Mandal, Kumuram Bheem Asifabad District dated 22.10.2022.
7. From the High Court for the State of Telangana at Hyderabad, order in WP.No.600 of 2021, dated 19.09.2022.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Adilabad cancelled the Local Scheduled Tribe Agency Area Certificate No.E/1060/06, dated 27.08.2005 of Banoth Gopal S/o.Bhikku R/o.Goriyaguda H/o.Devapur Village, Kerameri Mandal, erstwhile Adilabad District issued by the Tahsildar, Kerameri Mandal of erstwhile Adilabad District.

2. In the reference 2nd read above, the Appellant Banoth Gopal S/o.Bhikku R/o.Goriyaguda H/o.Devapur Village, Kerameri Mandal, Kumuram Bheem Asifabad District has submitted the appeal before the Government under GO.Ms.No.24, TW (LTR.1) Department dated 12.6.2018 contending as follows:

- He is native of Goriyaguda H/o Devapur in Kerameri Mandal. His parents/ancestors have been continuously residing in agency villages i.e. Goriyaguda since 1960 and prior to it in Ada-Dasnapur village in Asifabad Mandal which are agency villages in the erstwhile Adilabad District and also in the present KB Asifabad District.
- Considering the above, the Tahsildar, Kerameri has issued him Local ST certificate bearing No.E/1060/06, dated 27.8.2005 certifying that he is the Agency Area Local ST of Goriyaguda H/o Devapur agency village.
- He has applied for the post of School Assistant (Biological Sciences) in Teacher's Recruitment Test – DSC 2008 under Agency Area Local ST category and has been provisionally selected vide Hall Ticket No.19112100438.
- During selection process i.e. verification of certificates, the District Collector, Adilabad has cancelled his Agency Area Local ST certificate in Proceedings No.C3/5044/2010-9, dated 09.04.2012 citing failure to prove his continuous residence in the Agency Area since 26.01.1950 as required under GO Ms.No.3, dated 10.01.2000 in spite of submitting Khasra Pahani for the year 1954-55 and copy of voter list for the year 1977. Aggrieved by this, he filed an Appeal before the Government on 2.2.2013 along with other Appellants viz., Rathod Ramesh and Rathod Santosh Kumar which was admitted on 27.2.2013 as C.No.1662/CV.2/2013.

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- Government vide DO Letter No.8949/TW.LTR.2/2016, dated 15.11.2016 of Principal Secretary (Tribal Welfare) has communicated their Appeals instructing the District Collector, Adilabad to constitute an enquiry team with Revenue Divisional Officer and Tahsildar concerned along with two officials of Tribal Cultural Research & Training Institute deputed from the O/o Commissioner of Tribal Welfare, Hyderabad which shall complete enquiry at field level including verification of documentary evidences in a month clearly establishing earliest year of their continuous residence and submit report to the District Collector who inturn shall dispose the Appeals within (6) weeks after receipt of the said report and after affording reasonable opportunity to the Appellants to present their case. It was also specifically mentioned in the DO letter that final orders passed are to be submitted to the Government.
- Accordingly, the team was constituted, conducted detailed enquiry into Agency Area local ST status of the Appellant visiting his native place i.e. Goriyaguda, Devapur village on 19.4.2017 and submitted report to the District Collector, Adilabad with the following findings:
 - Village elders stated that nearly 60 years back family of Banoth Gopal S/o Bikku migrated from Ada-Dasnapur (notified) village in Asifabad Mandal to Goriyaguda H/o Devapur in Kerameri Mandal.
 - Verified following documents:
 - i) Khasra Pahani 1954-55 of Malangondi (notified) village in Asifabad Mandal in the name of Banoth Pathya S/o Bhimla (appellant's forefather) showing an extent of acs.8.16 gts in Sy.No.10.
 - ii) Pahani of 1975-76 of Devapur (notified) village in Kerameri Mandal showing an extent of acs.3.00 in Sy.No.12 in the name of Sri Banoth Bikku S/o Surya (appellant's father).
 - iii) Voter list of 1977 of Devapur village showing names of Banoth Bhikya and Smt.Banoth Diwali (parents of appellant) at Sl.Nos.198, 199.
 - iv) Receipts of Sahakara Parapathi Sangham dated 29.12.1980 of Kerameri village, Wankidi (Tq) (in the name of father of appellant).
 - v) Bhoomi Sistu receipt dated 23.12.1981.
 - vi) Pass Book No.464940 issued to his father by Mandal Revenue Officer, Kerameri Mandal and computerized pahani No.TS00BB20974224, dated 15.04.2017 showing extent of Acs.3.33 gts in Devapur (notified) village in Kerameri Mandal.
- In view of the remarks of Revenue Divisional Officer, Utnoor, the team has also enquired in Kosara village on 14.03.2018. The village elders and appellant's father's brother's son viz., Banoth Hasinya stated that only his father namely Narsingh migrated from Ada-Dasnapur to Kosara village while Surya's family (brother of Narsingh) migrated to Goriyaguda H/o Devapur notified village and Sri Hemla i.e. another brother of Narsingh still residing at Ada-Dasnapur village. In Kosara village, only one Banoth Surname family is residing. Banoth Hasniya who is presently residing at Kosara village has deposed that his father married Ajmeera Chandu's daughter namely Putani, so his maternal uncle Ajmeera Dalya brought their family to Kosara village for livelihood, but not brought the family of the appellant to Kosara (non-notified village).

- The Committee has established that the appellant and his forefathers have been continuously residing in Agency area and the Local ST certificate issued by the Tahsildar, Kerameri in file No.E/1060/2005, dated 27.08.2005 to the appellant Sri Banoth Gopal S/o Bhikku R/o Goriyaguda H/o Devapur (notified) village, is a genuine one.
- Accordingly, the Revenue Divisional Officer, Asifabad vide his Lr.Rc.No.K/287/2017, dated 7.4.2018 submitted report to the District Collector, Kumuram Bheem Asifabad in respect of (11) cases referred to him, wherein against name of appellant at Sl.No.7 reported as "The candidate belongs to Agency Area and the certificate issued by Tahsildar, Kerameri is found correct & genuine".
- Basing on the above report, the Collector & District Magistrate, Kumuram Bheem Asifabad has submitted report to the Government vide Lr.Rc.No.C2/379/2016, dated 30.4.2018 stating at Sl.No.2 "Banoth Gopal S/o Bikku R/o Goriyaguda vg of Kerameri Mandal – the local ST certificate issued is found genuine" and requested the Government to pass suitable orders in the matter. The Collector & District Magistrate, KB Asifabad vide his Lr.Rc.No.C2/379/2016, dated 18.7.2018 has again requested the Government to issue suitable orders on the Appeal petitions of the (11) candidates of his district as the Government is the competent authority to dispose them.
- In reply, the Government vide Memo.No.8949/TW.LTR/2016, dated 14.09.2018 has instructed the Collector & District Magistrate, Kumuram Bheem Asifabad to take further action as per the instructions (in respect of all the (11) local ST candidates including the appellant whose cases are found genuine) already issued vide Govt.Memo.No.8949/TW.LTR/2016, dated 4.7.2018.
- Accordingly, the Collector & District Magistrate, Kumuram Bheem Asifabad has referred their cases to the District Educational Officer, Adilabad vide Lr.Rc.No.C2/379/2016-2, dated 17.01.2019 along with the enquiry reports furnished by the Enquiry Committee on genuineness of the Local ST Certificates in respect of 1)Rathod Ramesh S/o Dudram R/o Temlaguda (v) of Kerameri Mandal, 2) Sri Rathod Santhosh Kumar S/o Aliya R/o Anarpally (v) of Kerameri Mandal and 3) the appellant Sri Banoth Gopal S/o Bikku R/o Goriyaguda (v) of Kerameri Mandal to take further necessary action in the matter. In the said letter, the District Collector, KB Asifabad District has clearly mentioned that the Secretary to Government, Tribal Welfare Department, Government of Telangana instructed to follow instructions of the Government issued in Govt. Memo.No.8949/TW.LTR/ 2016, dated 04.07.2018 wherein it was stated that as the Local Scheduled Area Tribal Certificates were found genuine as per the re-enquiry conducted by the Enquiry Committee. As per the Government instructions, since the certificates are found genuine by the Enquiry Committee, no further orders are required from the Government. But, the District Educational Officer, Adilabad instead of issuing them appointment orders, has again referred his case to the Project Officer, ITDA Utnoor vide his Lr.Rc.No.B7/B2/12875/2012, dated 6.3.2019 for verification as per GO Ms.No.24, dated 12.6.2018. The Project Officer, ITDA Utnoor has enquired into and decided his case as not genuine and communicated to the District Collector, Kumuram Bheem Asifabad vide Letter Rc.No.T1/91/ 2019, dt. -12-2019. In turn, the Dist. Collector, Kumuram Bheem Asifabad vide his Letter Rc.No.C2/1141/2019, dated - 12-2019 has requested the District Collector & Chairman, DSC 2008, Adilabad to take necessary action.
- Finally, the District Educational Officer, Adilabad has issued speaking orders through Procs.Rc.No.B2/12875/2009-1, dated 19.12.2019 that in view of DLSC enquiry findings of Project Officer, ITDA Utnoor that the Local ST certificate is not genuine, the appellant plea to consider for the post of School Assistant pursuant to selection to DLSC 2008 duly taking

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into account the proceedings issued by the Revenue Divisional Officer, Adilabad dt.7.4.2018, is not feasible under mandatory rules.

3. The plea of the appellant is that when once the Collector & District Magistrate, Adilabad has issued orders in Procs.No.C3/5044/2010-9, dated 09.04.2012 cancelling his Agency Area Local ST certificate bearing No.E/1060/2005, dated 27.08.2005 issued by the Tahsildar, Kerameri, the Appeal filed by him before the Government has been remitted back to the Collector & District Magistrate, Adilabad for re-enquiry by constituting team headed by Revenue Divisional Officer and Tahsildar concerned and with two officials of TCR&TI deputed from the O/o Commissioner (TW). Accordingly, the Committee after causing discrete enquiries both documentary and at field level, confirmed genuineness of his local ST certificate as genuine which fact has been reported to the Government by the District Collector through his letters Rc.No.C2/379/2016, dated 30.4.2018 and 18.7.2018, but now rejecting his case basing on another enquiry report of Project Officer, ITDA Utnoor as requested by the District Educational Officer, Adilabad/District Collector, Adilabad, is not proper and unjust. In support of his claim, the appellant has submitted all relevant documentary evidences.

4. The Appellant submitted that the Government in a similar case i.e. in case of Smt Jadhav Nirmala D/o Tukaram R/o Ashepally (v) of Jainoor Mandal have issued orders in GO Ms.No.16, dated 18.6.2022 of Tribal Welfare (LTR) Department declaring her as agency area local ST candidate of Ashepally village in Jainoor Mandal and also treated her Local ST certificate issued by the Tahsildar, Jainoor, as genuine and valid.

5. Therefore, the Appellant Sri Banoth Gopal has prayed to consider and allow his Appeal.

6. In the reference 3rd read above, the Collector & District Magistrate, Kumuram Bheem Asifabad District & the Project Officer, ITDA, Utnoor, Adilabad has been requested to submit connected records documents pertaining to the case along with para-wise remarks.

7. In the reference 4th read above, a Notice has been sent to the Appellant to attend for hearing on 22.10.2022 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 22.10.2022.

8. During hearing on 22.10.2022, the Appellant has submitted the copy of the judgment delivered by the Hon'ble High Court for the State of Telangana at Hyderabad in Writ Petition No.600 of 2021 on 19.09.2022. The operative part of the judgement is as follows:

"6. Having regard to the rival contentions and the material on record, it is noticed that the petitioners had applied for and were found successful in the written examination conducted for DSC 2008. The only reason as to why they were not appointed was that the Revenue Divisional Officer had cancelled the caste certificates of the petitioners. Subsequently, after enquiry, the certificates were found to be genuine by the Government. The reason for the delay in rendering decision by the Government in the year 2018 is not attributable to the petitioners, particularly G.O.Ms.No.24 since it was issued in the year 2018 and when this Court had directed the respondents to consider and appoint the petitioners in accordance with the certificates issued by the Government, the District Collector could not have given any directions to order re-enquire into the matter in terms of G.O.Ms.No.24. The case of the petitioners has to be considered as per the extant rules of DSC 2008 and since the certificates of the petitioners were found to be genuine in terms of the rules prior to G.O.Ms.No.24, the case of the petitioners ought to have been considered for appointment.

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7. In view thereof, this Court directs the respondents to consider and appoint the petitioners to the post of School Assistants in the light of the certificates found to be genuine by the Government in the year 2018 and appoint them and confer benefits to them on par with the candidates who have been appointed pursuant to DSC 2008 with all consequential benefits such as seniority but without emoluments.

8. The Writ Petition is accordingly allowed. No order as to costs.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed."

9. Upon perusal of the documentary evidences available on record i.e. findings of the team constituted by the Revenue Divisional Officer, Adilabad, Tahsildar, Kerameri and officials of TCR & TI, Hyderabad, reports of District Collector, Kumram Bheem Asifabad addressed to the Government in Tribal Welfare Department vide letters dated 30.4.2018 & 18.7.2018, instructions of the Government issued in Memos dated 4.7.2018 & 14.9.2018, orders of the Government issued in GO Ms.No.16, dated 18.6.2022 of TW (LTR) Department and having due regard to the judgement delivered by the Hon'ble High Court for the State of Telangana in WP No.600 of 2021, dated 19.9.2022.

10. Government after careful examination of the matter, hereby allow the Appeal filed by the Appellant Banoth Gopal S/o.Bhikku R/o.Goriyaguda H/o.Devapur Village, Kerameri Mandal, Adilabad District treating his Agency Area Local ST Certificate bearing No.E/1060/06, dated 27.08.2005 issued by the Tahsildar, Kerameri Mandal as genuine and valid duly setting aside proceedings/orders in the following references:

- i) Cancellation orders issued by the District Collector, Adilabad in Procgs.No.C3/5044/2010-9, dated 09.04.2012.
- ii) Letter Rc.No.B7/B2/12875/2012, dated 6.3.2019 of District Educational Officer, Adilabad addressed to the Project Officer, ITDA Uttoor.
- iii) Letter Rc.No.T1/91/2019, dated -12-2019 of Project Officer, ITDA Uttoor.
- iv) Letter Rc.No.C2/1141/2019, dated -12-2019 of Collector, KB Asifabad addressed to the Dist. Collector & Chairman, DSC-2008, Adilabad.
- v) Procgs.Rc.No.B2/12875/2009-1, dated 19.12.2019 of District Educational Officer, Adilabad.

11. The Collector and District Magistrate, Adilabad and Kumuram Bheem Asifabad Districts shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Kumuram Bheem Asifabad District (By RPAD)

The Collector and District Magistrate, Adilabad District (By RPAD)

Sri Banoth Gopal S/o.Bhikku R/o.Goriyaguda (V) H/o.Devapur,

Kerameri Mandal, Adilabad District - 504293 (By RPAD)

Copy to:-

The Project Officer, ITDA, Uttoor, Adilabad District (By RPAD)

(for information & necessary action)

The District Educational Officer, Adilabad District

(for information & necessary action) (By RPAD).

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The District Educational Officer, Kumuram Bheem Asifabad.
(for information & necessary action) (By RPAD).

The School Education Department, Dr.B.R.Ambedkar Telangana State
Secretariat, Hyderabad.

The Commissioner and Director of School Education,
Telangana State, Hyderabad (By RPAD).

The District Tribal Development Officer (TW),
Kumuram Bheem Asifabad District (By RPAD)

The Tahsildar, Kerameri Mandal, Kumuram Bheem Asifabad District (By RPAD)

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.